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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,981	08/23/2001	Donato V. Daddario	74622-0027	1340

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PROSKAUER ROSE LLP  
PATENT DEPARTMENT  
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NEW YORK, NY 10036-8299

EXAMINER
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HARBECK, TIMOTHY M

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/935,981

Applicant(s)

DADDARIO ET AL.

Examiner

Timothy M. Harbeck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (Page 9). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01..

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-18 and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al (hereinafter Kelly US 2001/0037276 A1) in view of Jones (Dei Jones "More Workers get options, too." USA TODAY. McLean, Va.: Apr 7, 1999. pg. 03.B 2 pages).

**Re Claim 1:** Kelly discloses a benefits system for employees of an employer comprising:

- A computer based employer system accessible by an employee of the employer (See Fig 1 Top Loop and Page 3 Paragraphs 0069-0070)
- A computer based benefit provider system accessible by the employee from the employer system wherein the benefit provider system includes an

interface (paragraph 0071) system for accessing a plurality of different types of service systems including a retirement plan system (Fig 1 Bottom Loop and Page 3 Paragraph 0066-0068; 0104-0105 and Figs 26A and 26B)

- Wherein the interface system provides access to at least two of the plurality of service systems using a single logon process by the employee at the employer system (paragraph 0104-0105 'summary web page shows different retirement plans')

Kelly does not explicitly disclose wherein said service system includes at least an employer corporate stock plan. Jones discloses that firms, for some time, have offered corporate stock plans in association with retirement plans such as a 401(k) plan (Abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include corporate stock plans to the disclosure of Kelly, because Kelly is directed toward the administration of retirement plans and specifically 401(k) type plans, which as taught by Jones often include a corporate stock option.

**Re Claim 2:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the interface system determines employee entitlements to the service system (Paragraphs 0104-0106; Figs 26A-B "Investment Options.").

**Re Claim 3:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the interface system determines access to all of the plurality of service system using a single logon process (Page 7, Paragraph 0104-0105; Fig 24).

**Re Claim 4:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the interface system includes an authentications system configured to authenticate a user to the benefits provider system (Paragraphs 0104-0105), and the benefit provider system to the service system (Page 4, paragraphs 0073-0076)

**Re Claim 5:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the authentication system includes:

- A user-provider system module configured to determine whether a user has been authenticated by the benefit provider system (Paragraphs 0104-0105)
- A user-service system module configured to determine whether the benefit provider system has been authenticated by a particular service system (Page 4, paragraphs 0073-0076)

**Re Claim 6:** Kelly in view of Jones discloses the claimed system supra but the references do not explicitly disclose wherein the user-provider system module and the user-service system module check a user's system for the presence of a cookie. However this step of checking for a cookie on a user's system was notoriously well known in the art at the time of invention and would have been obvious to include to the disclosure of Kelly in view of Jones so that when a user returns to a web site, the browser sends a copy of previously presented information (cookie) to the server in order to send customized information, such as account information of the user, to the

browser. This process is much more efficient than having to provide large amounts of user information with every visit to a web site.

**Re Claim 9:** Kelly in view of Jones discloses the claimed system supra but does not explicitly disclose wherein the interface system includes a reverse proxy system for seamless communication to a service system. However, reverse proxy systems are well known in the art as a way to allow customers to access content inside a firewall without compromising security. It would have been obvious to anyone of ordinary skill in the ordinary art at the time of invention to modify Kelly in view of Jones to include a reverse proxy system so that a user wishing to access their account from a source outside of the firewall can do so without any security mishaps. Allowing outside access is very convenient to a systems clients, as they can view their information from almost anywhere, however without necessary security measures in place vital information with regards to their personal accounts could be exposed without proper security in place. Reverse proxy systems are known to solve these issues.

**Re Claim 10:** Kelly in view of Jones discloses the claimed system supra and Kelly further shows an application system further configured to provide dynamic content to a user (Paragraph 0018-0020 "immediately updated" also see paragraphs 0032 and 0107-0109 related to dynamic interaction with the system).

**Re Claim 11:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the benefit provider system creates a browser interface for displaying data from the service systems (Page 8 paragraph 00113-00114).

**Re Claim 12:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the browser interface includes personalized user data (Page 7, paragraph 0105).

**Re Claim 13:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the personalized data includes at least one of a user name; number of user outstanding stock options and value; number of user employer stock plan shares and value; number of user restricted shares and value; total number shares and total value of employee stock benefit plan; user retirement plan balance; combined value of user stock plan and retirement plan; and employer name (Paragraphs 0105-0106).

**Re Claim 14:** Kelly in view of Jones discloses the claimed system supra but the references do not explicitly disclose wherein the browser interface includes real time market data. However Kelly does disclose a link to a brokerage center from the browser (Figure 2 Ref 42). It was notoriously well known in the art at the time of invention for such online brokers to present real time market data to its customers and therefore it would have been obvious to anyone of ordinary skill to modify the disclosure of Kelly in view of Jones to include real time market data so that a participant utilizing the brokerage center aspect can make informed decisions.

**Re Claim 15:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the browser interface includes employer benefit provider information (Page 7, paragraph 104 "access their group retirement plan information from a provider," Also see paragraph 0070).

**Re Claim 16:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the browser interface includes an employee retirement plan selection (See Fig 25). Kelly does not explicitly disclose wherein the browser interface includes an employer stock plan system. However, as was discussed in the rejection of claim 1, Jones discloses that firms, for some time, have offered corporate stock plans in association with retirement plans such as a 401(k) plan (Abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include corporate stock plans to the disclosure of Kelly, because Kelly is directed toward the administration of retirement plans and specifically 401(k) type plans, which as taught by Jones often include a corporate stock option. Therefore it would further be obvious that if the corporate stock option were offered among the different plans offered, for this option to be included on the browser.

**Re Claim 17:** Kelly in view of Jones discloses the claimed system supra but does not explicitly disclose wherein the browser includes a life stages selection menu. Kelly does however disclose a planning information selection from the browser, and furthermore it was notoriously well known in the art to include a horizon planning (life stages) selection on a retirement account website. In order to properly plan for a retirement, participants estimate an expected time horizon and then adjust their investments accordingly as the horizon approaches (usually removing risk as the time nears). Therefore it would have been obvious to anyone of ordinary skill in the art to include a life stages selection to the planning information of Kelly so that a user can



effectively plan for adjustments in their investments as they progress towards retirement.

**Re Claim 18:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses a combined stock plan interface (See Figs 27-28) of the employer stock plan system.

**Re Claim 22:** Kelly in view of Jones discloses the claimed system supra but the references do not explicitly disclose wherein the combined stock plan interface includes a real time market data window for displaying data regarding the employer corporate stock plan system. However Kelly does disclose a link to a brokerage center from the browser (Figure 2 Ref 42). It was notoriously well known in the art at the time of invention for such online brokers to present real time market data to its customers and therefore it would have been obvious to anyone of ordinary skill to modify the disclosure of Kelly in view of Jones to include real time market data so that a participant utilizing the brokerage center aspect can make informed decisions.

**Re Claim 23:** Kelly in view of Jones discloses the claimed method supra and Kelly further discloses wherein the browser interface displays a retirement plan interface of the retirement plan system, the retirement plan interface having a holdings and transactions selection (paragraphs 0106-0109), and an asset allocation selection (Fig 27 B). The references do not explicitly disclose an education selection and a rollover selection. However the use of retirement funds for education, as well as the rollover of other retirement accounts into a present account are steps that are notoriously well known in the art. It would have been obvious to anyone of ordinary skill in the art at the

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time of invention to include these selections so that an employee could use their retirement benefits for education purposes, or if they have recently changed jobs, roll their previous retirement accounts into the one consolidated account.

**Re Claim 24:** Kelly discloses a computer based benefits provider system for delivering user benefit information, the system comprising:

- An interface system for enabling a user, with a single log on, to access at least two of a plurality of different types of service systems (Fig 24-26A) including
- A retirement plan system (Fig 25); and
- A computer based user system connected to the interface system for delivering content from the accessed service systems to the user (See Fig 1)

Kelly does not explicitly disclose wherein service system includes

- A corporate stock plan system

Jones discloses that firms, for some time, have offered corporate stock plans in association with retirement plans such as a 401(k) plan (Abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include corporate stock plans to the disclosure of Kelly, because Kelly is directed toward the administration of retirement plans and specifically 401(k) type plans, which as taught by Jones often include a corporate stock option.

**Re Claim 25:** Kelly in view of Jones discloses the claimed system supra and Kelly further comprises an online transaction forum benefit system (Paragraph 0108-0110).

**Re Claim 26:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the interface system includes an authentication database for storing employee identifiers, entitlement level and personal data (0104-0105)

**Re Claim 27:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the entitlement level determines the service systems accessed (paragraphs 0104-0105; Figs 26A-B "Investment Options.")

**Re Claim 28:** Kelly in view of Jones discloses the claimed system supra and while not explicitly disclosing wherein the user is capable of delivering dynamic content to the user, the system of Kelly is designed as web-based and web enabled for use with the Internet (Paragraph 0071). It was well known in the art at the time of invention that the Internet had means to provide dynamic content to a user and therefore it would have been obvious to include means for delivering such dynamic content to the user of the Kelly system so that user can make informed decisions based on current information when making investments.

**Re Claims 29-30:** Kelly in view of Jones discloses the claimed system supra but does not explicitly disclose wherein each of the service systems is remote relative to the system or local relative to the system. However it was notoriously well known in the art at the time of invention that various hardware and software components of a system can be located both remotely or locally to other parts of the system depending upon the

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implementation. It would have been obvious to anyone of ordinary skill in the art to modify the system of Kelly in view of Jones to operate on either premise as Kelly discloses that any variation or implementation that is well known in the art can be used with his system.

**Re Claim 31:** Further method claim would have been obvious to perform from previously rejected system claim 24 and is therefore rejected using the same art and rationale.

Claims 7-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Jones as applied to claim 1 above, and further in view of Li et al (hereinafter Li US 6,067,568).

**Re Claims 7-8:** Kelly in view of Jones discloses the claimed system supra but does not explicitly disclose wherein the interface system includes a service agent for communicating with the service system and wherein the interface system includes a service agent for each benefit system. Li discloses the automatic setup of services for computer system users including the use of service agents that assist a user in interacting with a particular service available on a computer system, when many services are provided (See abstract and Page 8 lines 15-Column 9 page 10). It would have been obvious to anyone of ordinary skill in the art at the time of invention to modify the disclosure of Kelly in view of Jones to utilize system agents such as the ones disclosed by Li so that when an individual logs onto the system, the services available to them have already been automatically set up for that individual user.

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Jones as applied to claim 18 above, and further in view of Cristofich et al (hereinafter Cristofich US 5,671,363).

**Re Claim 19:** Kelly in view of Jones discloses the claimed system supra and Kelly further discloses wherein the combined stock plan interface includes a shares application (paragraph 0106, Fig 26B). The references do not explicitly disclose a stock options application. Cristofich discloses the well-known use of stock options as a part of a company benefit plan as a way for employees of the company to, in essence, have an ownership stake. It would have been obvious to anyone of ordinary skill in the art at the time of invention to include a stock options interface, if the company offered the well known alternative compensation plan, to the interface application so that employee can view their assets in their entirety.

**Re Claim 20:** Kelly in view of Jones in view of Cristofich discloses the claimed system supra and Cristofich further discloses wherein the stock options application provides a number of vested options available for sale and value; a number of vested options pending execution and value; a number of total outstanding vested options and value; a number of vested options and value; a number of total outstanding unvested options an value and a number of total outstanding stock options and value (Column 2, lines 21-45 Figs 3A-5).

**Re Claim 21:** Kelly in view of Jones in view of Cristofich discloses the claimed system supra and Kelly discloses wherein the shares application provides a number of shares purchased, available for sale and vale; a number of shares purchased, not

available for sale; a number of shares pending sale and value; and a number of total corporate stock plan shares and values (Fig 16B, 26B; Paragraph 0106-0107)

### ***Response to Arguments***

Applicant's arguments filed 01/03/2007 have been fully considered but they are not persuasive.

Applicant's point of contention is that Jones individually or Jones and Kelly in combination do not teach or suggest the type of association between different types of service plans, as in the amended claims. More specifically, applicant contends that the references fail to teach or suggest the joint control of different types of service plans as in the present application wherein the user can access all of his service plans through a single login process at the interface. However the examiner disagrees with the applicant.

As noted previously Kelly does not explicitly disclose wherein said service system includes at least an employer corporate stock plan. Jones discloses that firms, for some time, have offered corporate stock plans in association with retirement plans such as a 401(k) plan (Abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include corporate stock plans to the disclosure of Kelly, because Kelly is directed toward the administration of retirement plans and specifically 401(k) type plans, which as taught by Jones often include a corporate stock option. However the examiner disagrees with the applicant that Kelly (in paragraphs 0104-0105) is solely disclosing a 'single service system' as alleged. Kelly explicitly discloses that a 'summary web page shows different retirement plans such as contribution

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retirement plans and defined benefit retirement plans that a particular participant may currently enrolled in (Paragraph 104, also see Fig 25).

Furthermore Jones teaches an employers use of both retirement plans and corporate stock plans (Abstract). Thus, the examiner is not persuaded by the argument that on one hand, two types of retirement plans (defined benefit and contribution) fall under the same umbrella ('single service system') while on the other two types of investments in a plan (401(k) and corporate stock) do not.

The rejections are therefore maintained.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- PR Newswire "SunGard Launches High New Worth Portal Solution." New York: Mar 7, 2001. pg 1.

Discloses account aggregation via single click access to wealth management applications for investment management, trust accounting, private banking, 401(k)/403(b) retirement plans, brokerage, IRAs and online banking.

- PR Newswire. "Vanguard Announces Innovative Suite of Advanced Online Financial Management Services." New York: Apr 19, 2001.

Discloses account aggregation where clients can view all of their investments through the 'Consolidated View' service which can present on a single webpage all of a shareholder's investment account information.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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